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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DAMARCUS STEWART,
Plaintiff,

v.

ACCURATE BACKGROUND, LLC,
Defendant.

Case No. 5:22-CV-01926-EJD

**SUPPLEMENTAL STATEMENT
OF JOHN SOUMILAS
REGARDING NOTICE, CLAIMS,
EXCLUSIONS AND OBJECTIONS
IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL
OF CLASS ACTION
SETTLEMENT**

Date: February 22, 2024
Time: 9:00 a.m.
Courtroom: 4

CASE No. 5:22-CV-01926-EJD

SUPPLEMENTAL STATEMENT OF JOHN SOUMILAS REGARDING NOTICE, CLAIMS, EXCLUSIONS
AND OBJECTIONS IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

1 I, John Soumilas, declare as follows:

2 1. I am a shareholder and attorney at Francis Mailman Soumilas, P.C. (“FMS”) and
3 one of the attorneys representing Plaintiff Damarcus Stewart. I submit this declaration in support
4 of Plaintiff’s Motion for Final Approval of Class Action Settlement (ECF 53).

5 2. I attach to this declaration the Updated Declaration of Due Diligence Regarding
6 Noticing provided by Noah Fiori, an analyst for the Settlement Administrator in this matter,
7 American Legal Claim Services, LLC (“ALCS”).

8 3. Updated information from the previous Declaration of Due Diligence submitted
9 by Mr. Fiori (ECF 53-1) include:

- 10 • There were 4 additional notices sent by first class mail that were returned. Of
11 those, 3 were remailed to new addresses, also by first class mail.
- 12 • Therefore, the number of undeliverable notices increased from 0 to 1.
- 13 • There were 2 additional valid claims submitted in the intervening time,
14 increasing the claims from 19 to 21.

15 4. The additional 2 claims do not change the calculations as to class members
16 making claims, which are capped at \$5,000 each. All 21 class members who have made timely
17 claims will receive the full \$5,000. The provisions of the Settlement Agreement (ECF 23-1)
18 provide for an increase of automatic payments to an amount in excess of \$600.

19 5. Since the filing of the Declaration of Due Diligence at ECF 53-1, the number of
20 exclusions and objections received remains at zero.

21 6. Class Counsel represents that the additional claims and lack of exclusions and
22 objections confirms a positive reaction to the settlement by the class members and supports final
23 approval.

1 RESPECTFULLY SUBMITTED AND DATED this 12th day of February, 2024.

2 By: /s/ John Soumilas

3 James A. Francis*

4 John Soumilas*

5 Lauren KW Brennan*

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21 *Admitted *pro hac vice*

22 *Attorneys for Plaintiff*

23 *and the Settlement Class*

24 **CERTIFICATE OF SERVICE**

25 I, John Soumilas, hereby certify that on February 12, 2024, this document was filed with
26 the Court using the CM/ECF system and thereby served on all counsel of record.

27 /s/ John Soumilas

28 John Soumilas